

From: [Murphy, Siobhan](#)
To: [James Chapman](#); [Rodgers, James](#); [W. Ryan Snow](#); [Mark Nanavati](#); [Zach Jett](#); [Cohen, Harry](#)
Cc: [Roman, Michael](#); [Johnson, Dawn](#); [Werner, Rachel](#); [Mackenzie Pensyl](#); [Christopher Jones](#); [Tressa Lucas](#); [idmorrissey15@gmail.com](#)
Subject: RE: [External] Depositions of Carver employees July 17-18, 2025 [CC-US.980000.981028.FID1207794]
Date: Tuesday, July 15, 2025 5:06:43 PM
Attachments: [image002.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

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Jim and Mark:

We have discussed your request for Mr. Malik's deposition, and are willing to schedule his deposition on August 6th or 7th, either in Chicago, where he works, or by Zoom, with the following understandings:

1. Mr. Malik is an attorney and member of the control group involved in this litigation, as such, we will instruct him not to express any legal opinions.
2. Mr. Malik's choices about and evaluation of evidence, including his selection or compilation of particular documents would reveal work product, that is to say his thought processes and those of defense counsel with whom he was working. He therefore will not answer any questions asking about his decisions and professional judgment of the evidence. See, e.g., *Shelton v. American Motors Corp.*, 805 F.2d 1323, 1329 (8th Cir.1986) ("In cases that involve reams of documents and extensive document discovery, the selection and compilation of documents is often more crucial than legal research.... We believe [counsel's] selective review of [her clients'] numerous documents was based on her professional judgment of the issues and defenses involved in this case."); *Sporck v. Peil*, 759 F.2d 312, 316 (3d Cir.) ("We believe that the selection and compilation of documents in this case in preparation for pretrial discovery falls within the highly-protected category of opinion work product."), *cert. denied*, 474 U.S. 903, 106 S.Ct. 232, 88 L.Ed.2d 230 (1985). See also *James Julian v. Raytheon Co.*, 93 F.R.D. 138, 144 (D.Del.1982) ("In selecting and ordering a few documents out of thousands counsel could not help but reveal important aspects of his understanding of the case.").

I know we promised to get back to you tomorrow about additional issues, but we thought it would be helpful to get this issue buttoned down.



Siobhán

Siobhan Murphy

Senior Counsel | Clyde & Co US LLP

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From: James Chapman <jchapman@cwm-law.com>

Sent: Monday, July 14, 2025 3:55 PM

To: Murphy, Siobhan <Siobhan.Murphy@clydeco.us>; Rodgers, James <James.Rodgers@clydeco.us>; W. Ryan Snow <wrsnow@cwm-law.com>; Mark Nanavati <mnanavati@snllaw.com>; Zach Jett <zjett@butler.legal>; Cohen, Harry <Harry.Cohen@clydeco.us>
Cc: Roman, Michael <Michael.Roman@clydeco.us>; Johnson, Dawn <Dawn.Johnson@clydeco.us>; Werner, Rachel <Rachel.Werner@clydeco.us>; Mackenzie Pensyl <mpensyl@cwm-law.com>; Christopher Jones <cjones@snllaw.com>; Tressa Lucas <tlucas@cwm-law.com>; jdmorrissey15@gmail.com

Subject: RE: [External] Depositions of Carver employees July 17-18, 2025 [CC-US.980000.981028.FID1207794]

Jim and Siobhan,

During our meet and confer call today, you advised you would produce Mssrs. Walordy and O'Rourke for deposition the week of August 4 at Clyde's office in New York. You also agreed to extend our discovery cut-off to accommodate them. Your prior email suggested August 5 for their depositions. That date works for us.

You also inquired why we seek to depose Mssrs. Galioto and Malik. After we explained our position, you said you needed to consult with your client. We agreed that you would let us know on Wednesday July 16 whether you will produce them. If you will, we agreed to take their depositions the day after Mssrs. Walordy and O'Rourke are deposed. We also agreed these depositions would be covered by the same agreed extension of our discovery cutoff. If Carver chooses not to make them available for deposition, we will file a motion to compel to obtain a court ruling.

Please confirm this understanding is correct or, if not, let me know what needs correcting.

Thanks,
Jim

From: Murphy, Siobhan <Siobhan.Murphy@clydeco.us>

Sent: Monday, July 14, 2025 3:01 PM

To: James Chapman <jchapman@cwm-law.com>; Rodgers, James <James.Rodgers@clydeco.us>; W. Ryan Snow <wrsnow@cwm-law.com>; Mark Nanavati <mnanavati@snllaw.com>; Zach Jett <zjett@butler.legal>; Cohen, Harry <Harry.Cohen@clydeco.us>
Cc: Roman, Michael <Michael.Roman@clydeco.us>; Johnson, Dawn <Dawn.Johnson@clydeco.us>; Werner, Rachel <Rachel.Werner@clydeco.us>; Mackenzie Pensyl <mpensyl@cwm-law.com>; Christopher Jones <cjones@snllaw.com>; Tressa Lucas <tlucas@cwm-law.com>; jdmorrissey15@gmail.com
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Thank you.

From: James Chapman <jchapman@cwm-law.com>
Sent: Monday, July 14, 2025 1:59 PM
To: Murphy, Siobhan <Siobhan.Murphy@clydeco.us>; Rodgers, James <James.Rodgers@clydeco.us>; W. Ryan Snow <wrsnow@cwm-law.com>; Mark Nanavati <mnanavati@snllaw.com>; Zach Jett <zjett@butler.legal>; Cohen, Harry <Harry.Cohen@clydeco.us>
Cc: Roman, Michael <Michael.Roman@clydeco.us>; Johnson, Dawn <Dawn.Johnson@clydeco.us>; Werner, Rachel <Rachel.Werner@clydeco.us>; Mackenzie Pensyl <mpensyl@cwm-law.com>; Christopher Jones <cjones@snllaw.com>; Tressa Lucas <tlucas@cwm-law.com>; jdmorrissey15@gmail.com
Subject: RE: [External] Depositions of Carver employees July 17-18, 2025 [CC-US.980000.981028.FID1207794]

I can do 3:30 but have a hard stop for a call at 4pm.

Zach: Please confirm this works or we will need to move it to Tuesday.

From: Murphy, Siobhan <Siobhan.Murphy@clydeco.us>
Sent: Monday, July 14, 2025 2:50 PM
To: James Chapman <jchapman@cwm-law.com>; Rodgers, James <James.Rodgers@clydeco.us>; W. Ryan Snow <wrsnow@cwm-law.com>; Mark Nanavati <mnanavati@snllaw.com>; Zach Jett <zjett@butler.legal>; Cohen, Harry <Harry.Cohen@clydeco.us>
Cc: Roman, Michael <Michael.Roman@clydeco.us>; Johnson, Dawn <Dawn.Johnson@clydeco.us>; Werner, Rachel <Rachel.Werner@clydeco.us>; Mackenzie Pensyl <mpensyl@cwm-law.com>; Christopher Jones <cjones@snllaw.com>; Tressa Lucas <tlucas@cwm-law.com>; jdmorrissey15@gmail.com
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Dear Colleagues:

Can we reschedule to 3:30 Eastern? We've had a conflict come up.

-----Original Appointment-----

From: James Chapman <jchapman@cwm-law.com>

Sent: Monday, July 14, 2025 12:50 PM

To: James Chapman; Rodgers, James; Murphy, Siobhan; W. Ryan Snow; Mark Nanavati; Zach Jett; Cohen, Harry

Cc: Roman, Michael; Johnson, Dawn; Werner, Rachel; Mackenzie Pensyl; Christopher Jones; Tressa Lucas; jdmorrissey15@gmail.com

Subject: [External] Depositions of Carver employees July 17-18, 2025 [CC-US.980000.981028.FID1207794]

When: Monday, July 14, 2025 3:00 PM-3:30 PM (UTC-0Dea5:00) Eastern Time (US & Canada).

Where: <https://us02web.zoom.us/j/5742294612?pwd=WS80MmhVamVGbnZJSXppeXY3V2lkQT09&omn=84576530149&from=addon>



Hi there,

James Chapman is inviting you to a scheduled Zoom meeting.

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One tap US: [+13017158592.5742294612#...*910849#](tel:+13017158592.5742294612#...*910849#) or
mobile: [+13052241968.5742294612#...*910849#](tel:+13052241968.5742294612#...*910849#)

Meeting [https://us02web.zoom.us/j/5742294612?](https://us02web.zoom.us/j/5742294612?pwd=WS80MmhVamVGbnZJSXppeXY3V2lkQT09&omn=84576530149&from=addon)

URL: [pwd=WS80MmhVamVGbnZJSXppeXY3V2lkQT09&omn=84576530149&from=addon](https://us02web.zoom.us/j/5742294612?pwd=WS80MmhVamVGbnZJSXppeXY3V2lkQT09&omn=84576530149&from=addon)

Meeting ID: 574 229 4612

ID:

Passcode:910849

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Dial: +1 301 715 8592 US (Washington DC)
+1 305 224 1968 US
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+1 646 931 3860 US
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+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 360 209 5623 US
+1 386 347 5053 US
+1 507 473 4847 US
+1 564 217 2000 US
+1 669 444 9171 US
+1 669 900 6833 US (San Jose)
+1 689 278 1000 US
+1 719 359 4580 US
+1 253 205 0468 US

Meeting 574 229 4612

ID:

Passcode:910849

International numbers

From: Rodgers, James <James.Rodgers@clydeco.us>

Sent: Monday, July 14, 2025 1:00 PM

To: James Chapman <jchapman@cwm-law.com>

Cc: Roman, Michael <Michael.Roman@clydeco.us>; Johnson, Dawn <Dawn.Johnson@clydeco.us>;
Murphy, Siobhan <Siobhan.Murphy@clydeco.us>; Werner, Rachel <Rachel.Werner@clydeco.us>;
Cohen, Harry <Harry.Cohen@clydeco.us>; Mark Nanavati <mnanavati@snllaw.com>; Zach Jett
<zjett@butler.legal>; W. Ryan Snow <wrsnow@cwm-law.com>; Mackenzie Pensyl <mpensyl@cwm-law.com>;
Christopher Jones <cjones@snllaw.com>; Tressa Lucas <tlucas@cwm-law.com>;
jdmorrissey15@gmail.com

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3 pm if works for Siobhan

James Rodgers

Senior Counsel | Clyde & Co US LLP

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From: James Chapman <jchapman@cwm-law.com>

Sent: Monday, July 14, 2025 12:36 PM

To: Rodgers, James <James.Rodgers@clydeco.us>

Cc: Roman, Michael <Michael.Roman@clydeco.us>; Johnson, Dawn <Dawn.Johnson@clydeco.us>; Murphy, Siobhan <Siobhan.Murphy@clydeco.us>; Werner, Rachel <Rachel.Werner@clydeco.us>; Cohen, Harry <Harry.Cohen@clydeco.us>; Mark Nanavati <mnanavati@snllaw.com>; Zach Jett <zjett@butler.legal>; W. Ryan Snow <wrsnow@cwm-law.com>; Mackenzie Pensyl <mpensyl@cwm-law.com>; Christopher Jones <cjones@snllaw.com>; Tressa Lucas <tlucas@cwm-law.com>; jdmorrissey15@gmail.com

Subject: RE: [External] Depositions of Carver employees July 17-18, 2025 [CC-US.980000.981028.FID1207794]

Jim and Siobhan,

How is 1pm or 3pm today for a call?

Jim

From: Rodgers, James <James.Rodgers@clydeco.us>

Sent: Monday, July 14, 2025 10:58 AM

To: James Chapman <jchapman@cwm-law.com>

Cc: Roman, Michael <Michael.Roman@clydeco.us>; Johnson, Dawn <Dawn.Johnson@clydeco.us>; Murphy, Siobhan <Siobhan.Murphy@clydeco.us>; Werner, Rachel <Rachel.Werner@clydeco.us>; Cohen, Harry <Harry.Cohen@clydeco.us>; Mark Nanavati <mnanavati@snllaw.com>; Zach Jett <zjett@butler.legal>; W. Ryan Snow <wrsnow@cwm-law.com>; Mackenzie Pensyl <mpensyl@cwm-law.com>; Christopher Jones <cjones@snllaw.com>; Tressa Lucas <tlucas@cwm-law.com>; jdmorrissey15@gmail.com; Rodgers, James <James.Rodgers@clydeco.us>

Subject: RE: [External] Depositions of Carver employees July 17-18, 2025 [CC-US.980000.981028.FID1207794]

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Jim,

We are checking on Warlordy and O'Rourke for August 5th. On those two we will extend Belt Line's deadline.

Whether it is a meet and confer or just a TC, Siobhan and I want to discuss the other two.

Jim

James Rodgers

Senior Counsel | Clyde & Co US LLP

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From: James Chapman <jchapman@cwm-law.com>

Sent: Monday, July 14, 2025 9:05 AM

To: Rodgers, James <James.Rodgers@clydeco.us>

Cc: Roman, Michael <Michael.Roman@clydeco.us>; Johnson, Dawn <Dawn.Johnson@clydeco.us>;
Murphy, Siobhan <Siobhan.Murphy@clydeco.us>; Werner, Rachel <Rachel.Werner@clydeco.us>;
Cohen, Harry <Harry.Cohen@clydeco.us>; Mark Nanavati <mnanavati@snllaw.com>; Zach Jett
<zjett@butler.legal>; W. Ryan Snow <wrsnow@cwm-law.com>; Mackenzie Pensyl <mpensyl@cwm-law.com>;
Christopher Jones <cjones@snllaw.com>; Tressa Lucas <tlucas@cwm-law.com>;
jdmorrissey15@gmail.com

Subject: RE: [External] Depositions of Carver employees July 17-18, 2025 [CC-US.980000.981028.FID1207794]

Jim,

I'm not available July 21-24 as I will be attending and speaking at a conference in Colorado. Since you are on vacation the last week of July, will you agree to an extension of our discovery cut off to accommodate doing them the week of August 4 after you return? If not, I'd like to stick with the original dates this week and depose all 4 in one trip to NY. Please let me know.

I don't understand the reason for a meet and confer regarding depositions of Mssrs. Galioto and Malik. Carver produced highly relevant documents authored by each of them in the litigation. Are you saying you are going to move for a protective order? If so, please explain the basis for it and we will schedule a meet and confer. I'm available this afternoon between 1 and 3:30pm.

Thanks,
Jim

James L. Chapman, IV

CRENSHAW, WARE & MARTIN, P.L.C.

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law.com

From: Rodgers, James <James.Rodgers@clydeco.us>

Sent: Friday, July 11, 2025 1:39 PM

To: James Chapman <jchapman@cwm-law.com>

Cc: Roman, Michael <Michael.Roman@clydeco.us>; Johnson, Dawn <Dawn.Johnson@clydeco.us>; Murphy, Siobhan <Siobhan.Murphy@clydeco.us>; Werner, Rachel <Rachel.Werner@clydeco.us>; Cohen, Harry <Harry.Cohen@clydeco.us>; Mark Nanavati <mnanavati@snllaw.com>; Zach Jett <zjett@butler.legal>; W. Ryan Snow <wrsnow@cwm-law.com>; Mackenzie Pensyl <mpensyl@cwm-law.com>; Christopher Jones <cjones@snllaw.com>; Tressa Lucas <tlucas@cwm-law.com>; jdorrissey15@gmail.com; Rodgers, James <James.Rodgers@clydeco.us>

Subject: RE: [External] Depositions of Carver employees July 17-18, 2025 [CC-US.980000.981028.FID1207794]

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Jim,

Further to the below e-mail, we are checking to see if O'Rourke is still with Carver. If he is, we will agree to produce him at our NYC office, preferably with Warlordy on a date or dates between 7/21 and 7/23. We are still checking their availability. Please confirm your own for those dates.

As to Josef Malik and Jason Galioto please schedule a meet and confer with Siobhan Murphy and myself to discuss the relevancy and/or scope of their depositions. At this time, we are not consenting as we need to confer with Carver on this. Should we agree to produce them, we will agree to extend your deadline for those two witnesses.

Thanks,
Jim

James Rodgers

Senior Counsel | Clyde & Co US LLP

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From: Rodgers, James <james.rodgers@clydeco.us>

Sent: Thursday, July 10, 2025 7:53 PM

To: James Chapman <jchapman@cwm-law.com>

Cc: Roman, Michael <Michael.Roman@clydeco.us>; Johnson, Dawn <Dawn.Johnson@clydeco.us>; Murphy, Siobhan <Siobhan.Murphy@clydeco.us>; Werner, Rachel <Rachel.Werner@clydeco.us>; Cohen, Harry <Harry.Cohen@clydeco.us>; Mark Nanavati <mnanavati@snllaw.com>; Zach Jett

<zjett@butler.legal>; W. Ryan Snow <wrsnow@cwm-law.com>; Mackenzie Pensyl <mpensyl@cwm-law.com>; Christopher Jones <cjones@snllaw.com>; Tressa Lucas <tlucas@cwm-law.com>; jdorrissey15@gmail.com; Rodgers, James <James.Rodgers@clydeco.us>

Subject: RE: Depositions of Carver employees July 17-18, 2025 [CC-US.980000.981028.FID1207794]

Jim,

It is standard practice for parties to schedule depositions after the attorneys compare their schedules and consult with witnesses as to availability. We will happily consent to use my offices for dates that work for my calendar and those of the witnesses. Given the barrage of letters, the Fourth of July, and our meet and confer this week, we have not had the opportunity to discuss your notices of depositions, either as to logistics or as to whether most of these witnesses have any personal knowledge warranting a deposition. Please do not book travel or retain a court reporter until we consult. We certainly will honor on our agreement to schedule Mr. Warlordy for deposition. I am gone the last week of July, which is a concern given that your cut-off date is July 29, 2025. I am checking with Carver to see if a date week of July 21st is available for Mr. Warlordy.

In addition, we understand that you plan to file a dispositive motion grounded in claimed sanctionable conduct, which we will address separately by letter. This is confusing where discovery is open and where you are pursuing depositions of witnesses who have minimal or no personal knowledge about the vessel, the barge or the allision. As discussed, we believe this matter should be addressed on the merits and think that there should be no need for us to seek a protective order, as there is no basis for you to demand we dismiss this case.

Please call me directly at 212-702-6771 if you wish to discuss.

Regards,
Jim

James Rodgers
Senior Counsel | Clyde & Co US LLP
Direct Dial: [+1 212 702 6771](tel:+12127026771) | Mobile: [+1 646 853 4277](tel:+16468534277)

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From: James Chapman <jchapman@cwm-law.com>

Sent: Thursday, July 10, 2025 10:34 AM

To: Rodgers, James <james.rodgers@clydeco.us>

Cc: Roman, Michael <michael.roman@clydeco.us>; Johnson, Dawn <dawn.johnson@clydeco.us>; Murphy, Siobhan <siobhan.murphy@clydeco.us>; Werner, Rachel <rachel.werner@clydeco.us>; Cohen, Harry <harry.cohen@clydeco.us>; Mark Nanavati <mnanavati@snllaw.com>; Zach Jett <zjett@butler.legal>; W. Ryan Snow <wrsnow@cwm-law.com>; Mackenzie Pensyl <mpensyl@cwm-law.com>; Christopher Jones <cjones@snllaw.com>; Tressa Lucas <tlucas@cwm-law.com>;

jdmorrissey15@gmail.com

Subject: Depositions of Carver employees July 17-18, 2025

Jim,

Following up on the depositions of Walordy, O'Rourke, Galioto, and Malik at your office on July 17-18. We served notices last week, copies attached. Please confirm today so I can book my travel and get the reporter lined up.

Thanks,
Jim

CC: James Morrissey

James L. Chapman, IV

CRENSHAW, WARE & MARTIN, P.L.C.

150 W. Main Street, Suite 1923

Norfolk, VA 23510

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